

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
KATE CONROY,

Plaintiff,

-against-

CREDITORS FINANCIAL GROUP, LLC,

Defendant.
----- X

Index No.: 08 CIV 6250

ANSWER

Defendant Demands Trial
By Jury

Defendant, CREDITOR FINANCIAL GROUP, LLC, by his attorneys, ABRAMS,
GORELICK, FRIEDMAN & JACOBSON, P.C., as and for its Answer to plaintiffs'
Verified Complaint alleges, upon information and belief, as follows:

INTRODUCTION

1. Deny each and every allegation set forth in paragraph "1" of the
Complaint, and refers all questions of law to the Court.

PARTIES

2. Denies knowledge or information sufficient to form a belief as to the truth
of each and every allegation as set forth in paragraph "2" of the Complaint.

3. Deny each and every allegation set forth in paragraph "3" of the
Complaint, and refers all questions of law to the Court.

JURISDICTION

4. Deny each and every allegation set forth in paragraph "4" of the
Complaint, and refers all questions of law to the Court.

ANSWERING THE FIRST CAUSE OF ACTION ON BEHALF OF THE CLASS

5. Repeats, reiterates and realleges each and every response to paragraphs “1” through “4,” inclusive, of the Verified Complaint in answer to paragraph “5” of the Complaint, with the same force and effect as if fully set forth herein.

6. Denies each and every allegation set forth in paragraph “6” of the Complaint, and refers all questions of law to the Court.

7. Denies each and every allegation set forth in paragraph “7” of the Complaint, and refers all questions of law to the Court.

8. Denies each and every allegation set forth in paragraph “8” of the Complaint, and refers all questions of law to the Court.

9. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation as set forth in paragraph “9” of the Complaint.

10. Denies each and every allegation as set forth in paragraph designated “10” of the Complaint.

11. Denies each and every allegation as set forth in paragraph designated “11” of the Complaint.

12. Denies each and every allegation set forth in paragraph “12” of the Complaint, and refers all questions of law to the Court.

13. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation as set forth in paragraph “13” of the Complaint.

14. Denies each and every allegation set forth in paragraph “14” of the Complaint, and refers all questions of law to the Court.

15. Deny and refer to paragraph designated "15" of the Complaint, and refer all questions of law to the Court.

16. Deny and refer to paragraph designated "16" of the Complaint, and refer all questions of law to the Court.

17. Denies each and every allegation as set forth in paragraph designated "17" of the Complaint.

18. Denies each and every allegation as set forth in paragraph designated "18" of the Complaint.

19. Denies each and every allegation as set forth in paragraph designated "19" of the Complaint.

20. Denies each and every allegation as set forth in paragraph designated "20" of the Complaint.

21. Denies each and every allegation as set forth in paragraph designated "21" of the Complaint.

22. Denies each and every allegation as set forth in paragraph designated "22" of the Complaint.

23. Denies each and every allegation as set forth in paragraph designated "23" of the Complaint.

24. Denies each and every allegation as set forth in paragraph designated "24" of the Complaint.

25. Denies each and every allegation as set forth in paragraph designated "25" of the Complaint.

CLASS ALLEGATIONS

Violations of the Fair Debt Collection Practices Act brought by plaintiff on behalf of herself and the members of a class, as against the defendant

26. Repeats, reiterates and realleges each and every response to paragraphs “1” through “25,” inclusive, of the Verified Complaint in answer to paragraph “26” of the Complaint, with the same force and effect as if fully set forth herein.

27. Denies each and every allegation set forth in paragraphs “27” of the Complaint, and refers all questions of law to the Court.

28. Denies each and every allegation as set forth in paragraph designated “28” of the Complaint.

29. Denies each and every allegation as set forth in paragraph designated “29” of the Complaint.

30. Denies each and every allegation set forth in paragraph “30” of the Complaint, and refers all questions of law to the Court.

31. Denies each and every allegation as set forth in paragraph “31” of the Complaint, and refers all questions of law to the Court.

32. Denies each and every allegation set forth in paragraph “32” of the Complaint, and refers all questions of law to the Court.

33. Denies each and every allegation set forth in paragraph “33” of the Complaint, and refers all questions of law to the Court.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

34. The correspondence forwarded by this answering defendant, if any, complied entirely with the Fair Debt Collection Procedures Act.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

35. The correspondence in question did not overshadow the rights of the consumer.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

36. The correspondence in question was not confusing to the “least sophisticated consumer.”

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

37. The members of the putative class are not similarly situated, and as such, the matter is not a candidate for class certification.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

38. The requirements as of FRCP 23 are not satisfied, and as such the matter is not a candidate for class certification.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

39. Plaintiffs’ claims fail to state a cause of action upon which relief can be granted.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

40. The defendant, contrary to the allegations of violation of 15 U.S.C.1692 (g), complied with all validation requests of the consumer.

WHEREFORE, the defendant, **CREDITORS FINANCIAL GROUP, LLC**, demands judgment dismissing the Class Action Complaint, together with the costs and disbursements of this action.

Dated: New York, New York
August 7, 2008

ABRAMS, GORELICK, FRIEDMAN &
JACOBSON, P.C.
Attorney for Defendant
CREDITORS FINANCIAL GROUP, LLC

By: 

Barry Jacobs (BJ-0216)
One Battery Park Plaza, 4th Floor
New York, New York 10004
(212) 422-1200
File No.: 6842

TO: UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
500 Pearl Street
New York, New York 10007

AMIR J. GOLDSTEIN (AG-2888)
Attorney for Plaintiff
KATE CONROY
591 Broadway, Suite 3A
New York, New York 10012
(212) 966-5253